REMARKS

The Office Action dated June 14, 2006 has been reviewed and carefully considered. Claims 1 -21 remain pending, the only independent claims being claims 1 and 15. Reconsideration of the above-identified application is respectfully requested.

Claims 1-3, 5-12, 14, 15, 17, 19 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Graves, U.S. Patent No. 5,410,344 in view of Tsai, U.S. Patent No. 6,697,504.

Applicants respectfully submit that the pending claims are patentable for at least the following reasons.

Claim 1 recites the limitations of "(f) providing a plurality of second level fusion centers for receiving the first enhanced decisions output from a group of said first level fusion centers, if the first enhanced decisions are not within a predefined range;..." As indicated in the Office Action, Graves fails to disclose this limitation. Applicants submit that the addition of Tsai fails to cure the infirmities of Graves.

Tsai teaches a system and method of multi-level facial image recognition. The Office Action points to figure 8 and col. 4, lines 10-17 to show the above claim limitations. Applicants respectfully disagree. In these sections Tsai teaches that in a testing stage, a test image is decomposed starting from four sub-mages 101-104 having

the lowest resolution. If the image can not be identified in this low resolution, the possible candidates are further recognized in a higher level of resolution.

The present invention relates to recommender systems and the fusion of recommender scores in a hierarchical fashion. More particularly, the present invention relates to a combination function for multiple recommendation agents. The present invention uses a hierarchical structure that permits greater flexibility, leading to better prediction accuracy, over the prior art. The hierarchy may not need to be utilized up to the nth level in all cases. For example, if a recommendation score is within a certain predefined range at a lower level (e.g., the second level of fusion centers), the recommendation can be made to the user without the necessity of utilizing the system resources associated with having the highest level fusion center provide the recommendation. This flexibility can be advantageous when a recommender system is making recommendations to a plurality of users during at least a partially overlapping period. See page 7, line 21 – page 8, line 6.

It is not seen how Tsai's method of multi-level facial image recognition, in combination with Graves, teaches or suggests this hierarchy feature of the claimed recommender system. Further, Applicants submit that the Office Action fails to properly provide the motivation for such a combination – but rather improper uses hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet*, 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). Although, Tsai's discusses recognition decisions it is used to solve a particular problem (i.e. image recognition), and no

motivation has been provided by the Office Action to show reasons that the skilled artisan, confronted with the same problems as the inventor would select the elements from the cited prior art references for combination in the manner claimed, see Id.

To simply assert, as the Office Action does (page 4, 3rd paragraph), that to one skilled in the recommender art, the general idea of "(f) providing a plurality of second level fusion centers for receiving the first enhanced decisions output from a group of said first level fusion centers, if the first enhanced decisions are not within a predefined range" is analogous to a multi-level facial image recognition method, begs the question: How? To allege otherwise is merely to reduce the method of claim 1 to a mere "gist" or "thrust." Such an interpretation disregards the "as a whole" requirement of MPEP 2141.02, and distills the complexities of the actual system of Claim 12 (the implementation of the method of Claim 1) to an abstract general buzz word, precisely the problem obviated by MPEP 2141.02.

What reference teaches, and moreover provides the motivation to combine with the present method, an actual real world reduction to practice of such a modification. How is the integration to occur? What suggests the desirability of such a combination?

It is respectfully submitted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met;

> 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;

2. there must be a reasonable expectation of success; and

3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Accordingly, since the combination of Graves and Tsai., fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a). Applicants respectfully submit that claims 1 and 15 are allowable.

With regard to claims 2-4, 6-14 and 16-21, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-14 and 16-21 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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